

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

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| JASON STOOPS, Petitioner, vs. KIMBERLY BENNETT, WARDEN FPC YANKTON; Respondent. | 4:21-CV-04050-KES ORDER DIRECTING SERVICE AND TO SHOW CAUSE |
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Petitioner Jason Stoops, an inmate at the Yankton Federal Prison Camp, in Yankton, South Dakota, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The court directs the petition in this case be served and that a response be filed.

A § 2241 petitioner must exhaust administrative remedies before filing. Mathena v. United States, 577 F.3d 943, 946 (8th Cir. 2009); United States v. Chappel, 208 F.3d 1069 (8th Cir. 2000). In his submissions, Mr. Stoops states he is still waiting for a response on his request for administrative remedy. Therefore, the parties will be directed to show cause why the petition should not be dismissed for failure to exhaust administrative remedies. Mr. Stoops alleges he should have been eligible for release in November 2020 had respondent credited him with every credit he believes to be entitled to. But the court notes he that he was sentenced to 65 months' imprisonment on February

1, 2018. Thus, Mr. Stoops' calculation of his projected release date appears improbable. If his release is not realistically imminent, requiring administrative exhaustion appears to be the better course.

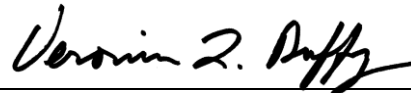
Accordingly, IT IS ORDERED that:

- (1) the Clerk of Court shall serve upon respondent and the United States Attorney for the District of South Dakota a copy of the petition and this order;
- (2) That both respondent and Mr. Stoops shall show cause no later than May 5, 2021, why Mr. Stoops' petition should not be dismissed without prejudice for failure to exhaust his administrative remedies.

Mr. Stoops is notified that failure to respond to the above order to show cause may result in dismissal of his petition in this court.

DATED this 5th day of April, 2021.

BY THE COURT:



VERONICA L. DUFFY
United States Magistrate Judge